

ENTERED

March 28, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

JOSE FIDENCIO GARZA,

Plaintiff,

VS.

JENNIFER HERBST, *et al*,

Defendants.

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CIVIL NO. 2:17-CV-105


ORDER

The Court has received the Memorandum and Recommendation (“M&R”) of the Magistrate Judge to whom this case is assigned (Dkt. No. 14). The time to file objections has passed, and no objections have been filed. FED. R. CIV. P. 72(b) (setting 14-day deadline to file objections); *see also* M&R, Dkt. No. 14 at 13 (advising parties of the 14-day deadline).

After independently reviewing the record and applicable law, the Court **ADOPTS** the M&R (Dkt. No. 14) and **DISMISSES WITH PREJUDICE** Plaintiff’s complaint for failure to state a claim and/or as frivolous pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1). This dismissal counts as a “strike” for purposes of 28 U.S.C. § 1915(g). The Court therefore **DIRECTS** the Clerk of the Court to send notice of this dismissal to the Manager of the Three-Strikes List for the Southern District of Texas at Three_Strikes@txs.uscourts.gov.

Final Judgment will be entered separately.

SIGNED this 28th day of March, 2018.



Hilda Tagle
Senior United States District Judge